IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 9766 of 2003(K)

PETITIONER:

K.C.UTHUPPU, AGED 65 YEARS,
S/O. CHACKO, RESIDING AT PAYYANNUR AMSOM DESOM,
P.O. PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN
SRI.V.N.RAMESAN NAMBISAN

RESPONDENT:

M.G.RAGHAVAN, AGED 50 YEARS,
S/O. GOPALAN, MUTTATHANIKKAL, KANDAKASSERRY,
HOUSING COLONY, PAYYAVOOR, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.16867/2003 IN O.P.NO.9766/2003 K

DISMISSED

21/06/2007 **SD/-PIUS C.KURIAKOSE, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGEMENT IN C.C.NO.60/90 OF J.F.C.M. COURT, KANNUR.**

EXT.P2: **COPY OF THE JUDGMENT IN CRL.R.P.NO.128/92 ON THE FILE OF SESSION COURT, THALASSERRY.**

EXT.P3: **COPY OF THE JUDGMENT IN O.S.NO.279/94 OF MUNSIFF COURT, TALIPARAMBA.**

EXT.P4: **COPY OF THE APPEAL MEMORANDUM FILED BEFORE THE SUB COURT, PAYYANNUR AGAINST THE DECREE AND JUDGMENT IN O.S.NO.279/94.**

EXT.P5: **COPY OF THE JUDGMENT IN A.S.NO.49/96 OF SUB COURT, PAYYANNUR.**

EXT.P6: **COPY OF THE CHEQUE APPLICATION FILED BY THE RESPONDENT BEFORE THE MUNSIFF COURT, TALIPARAMBU.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

O.P. No. 9766 OF 2003

Dated this the 21st day of June, 2007

JUDGMENT

Learned counsel for the petitioner submits that the parties are very seriously negotiating to settle the issue between themselves. They require only a short time for filing the compromise petition.

Having gone through the concurrent judgments passed by the courts below, I do not find any warrant for interfering with them invoking the visitorial jurisdiction under Article 227. At the same time the court is expected to encourage parties who want to settle their disputes between themselves. Under these circumstances, even as I close the Original Petition, I direct that the order of stay presently passed will continue for another two months. It is open to the parties to settle the issue between themselves in the meanwhile, and it is ordered that the order of stay will not continue for more than two months.

PIUS C. KURIAKOSE, JUDGE

btt

PIUS C. KURIAKOSE, J

O.P. No. 9766 OF 2003

JUDGMENT

21st JUNE, 2007.